John Alexander Memoir

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   Interview and memoir
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Alexander served as a delegate to Illinois's 1970 Constitutional Convention representing the 52nd district. He discusses his work as a delegate and his feelings regarding public support for the convention. He also recalls the opening of the convention, the election of officers, and convention politics. He describes his duties, committees, chairmanships, Chicago and downstate partisan politics, lobbyists, and public hearings. He mentions Gov. Ogilvie and Paul Simon.

Interview by John E. Vrooman, 1973
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See collateral file: convention booklet of delegates
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Preface

This manuscript is the product of a tape recorded interview conducted by John E. Vrooman for the Oral History Office in May 1973. Barbara Dewhurst transcribed the tapes and Peggy Boyer edited the transcript. Mr. Alexander reviewed the transcript.

John Alexander was born in Muncie, Indiana, on May 9, 1942. He attended public schools in Virden, Illinois, about 20 miles south of Springfield, and graduated from high school in 1960. He attended Monmouth College (Illinois), where he received a B.A. in 1964. At Monmouth, Alexander was active in student government and majored in government with a history minor.

Mr. Alexander opted to enroll at the University of Illinois College of Law, but dropped out early in the first semester to write for the Champaign-Urbana News-Gazette. He then re-enrolled in the Political Science program at the University of Illinois, where he did graduate work from 1965 to 1967, specializing in Illinois politics and history.

In 1966-67, John was a Ford Foundation intern in the Illinois General Assembly, assigned to the office of Senator W. R. Arrington, president pro-temp. He taught political science the following year at Western Illinois University and then became part of the original faculty at Lincoln Land Community College in Springfield. He was elected to the 6th Illinois Constitutional Convention from a five-county area south of Springfield in 1969.

At the convention, Alexander was elected one of three vice-presidents. He opposed the final product on the ground that it was a slight improvement, if any, over the 1870 document it replaced. Following the convention, he returned to Virden where he operated a real estate business until 1985, when he moved to Fort Collins, Colorado.

Readers of the oral history memoir should bear in mind that it is a transcript of the spoken word, and that the interviewer, narrator and editor sought to preserve the informal, conversational style that is inherent in such historical sources. Sangamon State University is not responsible for the factual accuracy of the memoir, nor for views expressed therein; these are for the reader to judge.

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John E. Vrooman, Interviewer.

Q: John, you were a delegate to the 1970 Illinois Constitutional Convention from the 52nd District in Illinois, is that right?

A: Yes. The 52nd included, as I recall, all of Macoupin, Jersey, Calhoun, and parts of Madison and St. Clair counties.

Q: Why did you decide you wanted to be a delegate to the Constitutional Convention?

A: Well, that's a good question. And I suppose there's not an easy answer. If I could cite a few factors that contributed to my desire to become a part of the convention, I would probably mention that when the convention began I was twenty-seven years old. I turned twenty-eight during the convention. My point is that I was coming off the top of graduate school and two and a half years of teaching at the college level. And I suppose, if I wanted to trace my desire to become a part of the convention, I would recall that as a graduate student at the University of Illinois, I first became acquainted with some of the efforts at constitutional reform in Illinois, and some of the weaknesses of the Constitution from an academic point of view. And, specifically, I did my graduate work under Sam Gove, who was director of the Institute of Government and Public Affairs, and was later involved, in mostly an unofficial capacity, at the Convention, but nonetheless a major figure. And Professor Gove was the person who originally put [the] literature in front of me that probably began to whet my appetite for constitutional reform. I continued working with him in the capacity of legislative intern in the 1967 General Assembly and saw some of the problems of government, especially in the legislative institution. And the series of events following that led to my involvement with the Illinois Committee for Constitutional Convention, the major group that promoted the call. I became a part of that group, and was the Downstate Field Director and assisted in putting together citizens committees in the major downstate communities.

Q: This was the one that Sam Witwer was also . . .

A: Right.

Q: . . . connected with?

A: Yes. Many of the people involved in the committee that promoted the call were also deeply involved in the Convention. Peter Tomei was part of that group. Many of the people who helped in our citizens committees
later became delegates. And I would say at that point in time, I was pretty much locked into running for a delegate spot. My appetite had not only been whetted, it was really building up for further involvement in the constitutional process through this experience as the field director for the committee. And although I had a year of teaching in front of me at Lincoln Land Community College in Springfield, I did follow the convention closely, or the convention process once the call had been approved. And I made--surprisingly--I guess it was a late decision to run for delegate. I was confused as to district status. When I found that I still had residency in the district, I undertook an ambitious campaign in a large field of sixteen candidates for the two seats in this large district. And, for a variety of reasons, I think I was fortunate enough to make the runoff and then did finish first in the final contest for a seat.

But I would also have to say that in addition to having been involved in the events that led up to the convention, I had some desire to try my hand at some elective office. And this seemed almost a natural thing. So I would say those two things coupled together would probably explain why I became a candidate. I guess, thinking out loud, I wanted to become a candidate for something, and there didn't seem to be anything more logical or more natural than to become a candidate in an area where I felt I was pretty well grounded.

Q: Yes.

A: I know that's a longwinded answer, but it probably captures the gist of why I became a candidate.

Q: There probably isn't a short snappy answer to a question like that.

A: No.

Q: When you were out campaigning, and even prior in your work in the committee, what was the public reaction as far as a convention was concerned? Did they really feel that a new constitution was needed, or were they more apathetic than pushy on it?

A: I felt that prior to the Convention there was widespread public sentiment for constitutional reform. I don't think people ever had very specific objections to the old 1870 Constitution. But I think most of them, having been students in Illinois public schools at one time or another, recalled the trying experience of trying to understand a very long and detailed, complicated document. I think they were left with a bad taste for the framework of Illinois government from their school experiences. I think it was an experience that most shuddered about—taking a constitution exam. And I just feel that Illinois' long history of scandal probably created much sentiment for constitutional reform. I don't think people were out carrying banners, demanding that we have a convention. I think it was pretty much promoted by organizations and groups and individuals who had these same feelings but expressed them more professionally, I suppose. But I felt there was widespread support for a convention, and for rather far reaching change.
As I'm sure you'll detect later in the interview, I don't think the Convention met its mandate and provided those kinds of changes. But I think there was widespread support for, not only the call, which as I recall was approved by maybe the largest margin in Illinois political history, but there was also widespread feeling, I think, in favor [of] legitimate and meaningful constitutional change.

Q: When the convention met it had the ability to recommend amendments to the 1870 [Constitution]—or draw up a new one and the field was wide open as far as their options.

A: Yes, this was interesting. I was kind of taken back early in the convention when, much to my surprise, as I recall, we spent several hours debating what our mission was at the convention. I went with the impression that rather clearly our task was to write a new constitution, using the 1870 document, of course, as a major reference point and a working document. But, much to my surprise, and I think to the surprise of many others, there was a body of opinion within the convention that our task might rather be one of simply proposing amendments to the old constitution, or maybe just working some minor changes in that document. And, quite frankly, I think the opponents have changed. This was one of the early signals that we didn't have 116 people there—two from each of fifty-eight districts—who really wanted to work for the kind of change I wanted to see us work for. This was a rather clear mark from the beginning that there were many proponents of the status quo in our ranks. And, quite frankly, they unveiled themselves in numbers that we saw throughout the convention. I think the Chicago Democratic candidates would have preferred, maybe, that we amend the 1870 Constitution in three or four ways. And then there were additional members from suburban areas and downstate who shared those feelings.

Q: Was it also the feeling that an amended constitution might be easier for the electorate to approve than a whole new document?

A: I think they probably believed that. I think the people I made reference to did want to see changes made, probably not as far reaching as some. But, yes, I think they went there sincerely of the opinion that these fewer changes might stand a better chance of passage before the voters.

Q: The Constitution convention of 1920 left a long bitter memory of conventions in the minds of many citizens of Illinois when it went on and on and on for several years. The 1970 Convention was given, what, six months to finish their task?

A: I think we were working under an indirect limitation as I recall. The legislature cleverly provided that our salaries expire after 100 days in session and after six or eight months, as I recall. So, indirectly, there was a termination point on our work. I thought we did have adequate time to do the work of the convention. But, like most large deliberating bodies, we dilly-dallied, so to speak, in the early weeks and months and created the usual log jam and worked not only overtime, but overtime overtime, approaching the end of the convention. It operated very much like the legislature as far as I was concerned.
Q: In this dilly-dallying period, part of that I would imagine was taken up by the organization of the convention, the election of officers. How was the convention organized and how were the officers nominated? How did they get to be elected?

A: Well, I would have to search the journal of the convention. But it seems to me that we probably consumed the better part of the first month organizing the convention and, by the end of that month, our final organization hadn't taken shape. I don't think we had really settled in our final meeting place, the old State Capitol. I don't think we had completed our staff. But at least we had chosen our officers. We had made the major selections of key advisors to the convention president and key committee council. So I think we were ready to go, say by mid-January, but it was nearly a wasted month trying to organize the convention. Thanks to the Institute of Government and Public Affairs--I think they sponsored a seminar upon our election pointing out some of the ways that other conventions had gotten organized and gotten off the ground and we did latch onto some people who had had experience with previous conventions--Maryland, in particular--who guided us through the organizational phase. But it was a difficult and trying experience.

I think the second part of your question, selection of officers--here I'm going to be very honest with you and tell you that I think that many of the problems of the convention resulted directly from our selection of officers. I know that there was much pressure from the blue ribbon committees in the state, the League of Women Voter types, the newspapers, many of the groups that had promoted Constitutional reform were also very much promoting Sam Witwer as president of the convention. He didn't have any significant opposition as a result. I think, as I recall, David Davis maybe was nominated against him, but provided only token opposition. I think if the Democrats in the convention had been represented in greater numbers, Witwer was clearly a Republican and partisan politics had much to do with the convention, unfortunately. But Witwer, who had been a Republican candidate for the U.S. Senate and a major Republican contributor and things of that sort that clearly identified him as a Republican, won with Republican and Independent support and I suppose if the Democrats had been in better shape numberwise, Sam Witwer would not have been president of the Convention.

Q: What did Witwer have going for him that--everyone at the time as I remember it said he was uniquely fit to be president?

A: I think he had an image going for him, an image promoted by his P.R. firm in Chicago, and an image enhanced by newspaper editorials, specifically from the Field papers. The Chicago Daily News and Sun-Times were both suggesting this--immediately upon selection of delegates to the convention--that one in our ranks was already a natural president. I think many began to believe what they were reading before they had even met Sam Witwer. I had met him and I was aware of what I believe were his personality shortcomings that contributed to the difficulties involved in managing the convention. But I don't suppose that most of the delegates knew Sam Witwer before they voted for him. And he didn't, quite frankly, wage a very vigorous campaign asking for support. He certainly didn't ask me to vote for him, although I did. And I have a hunch that probably he didn't
ask very many delegates to cast a vote for him. I think he really believed that he was naturally groomed for this postion, [that] he was Mr. Constitutional Reform, having headed-up several blue ballot campaigns and having groomed himself for this position. I really believe he thought he was going to win. And he was right. He did win.

Q: You were first vice president?

A: Well, I fell into what I would rather call the third vice-presidency. And this was very much a shock to me, of course. When we went to the convention, for some reason we as a group decided that there might be some wisdom to providing for three vice-presidents, instead of one. Had there been one, the one would have been Tom Lyons from Chicago, who balanced off Witwer's Republican suburbanism with some urban Democratic politics. But the convention opted, for reasons I don't clearly recall, to go the route of three vice-presidents. And, after Elbert Smith, the Decatur Republican, was chosen for what I'll call the second vice-presidential position, there seemed to be a market for a younger candidate, since there were many young members in the convention. I was one of several under thirty years of age—and a good number of us were under forty of forty-five. There seemed to be a market for somebody who was from downstate, south of Decatur. Since we had a president from Cook County, a vice-president from Cook County, and another vice-president from about the center of the state, there seemed to be some interest in maybe having a vice-president south of Decatur, and someone who was younger, and possibly someone who was of an independent breed. For some reason I was—I don't want to say a natural selection for that—but one of the few people who met those tests and, much to my surprise, I became a convention vice-president.

Q: You had not been particularly identified with either political party at that time?

A: I was a registered Republican, and am to this day, although I've been clearly a rather independent Republican and haven't really been much of a party man through my short political career. In other words, I really haven't towed the line consistently and haven't paid the dues and done the things that the card carrying partisan members can say they do.

Q: We had the vice-presidents—Odas Nicholson of Chicago was the convention secretary. What other officers did we have?

A: Well, I think that's where we stopped. And in her case I think she too met some tests that gave further balance to the slate of officers—a good number of women in the convention—she filled that bill. There were a good number of blacks in the convention. She also filled that bill. So, I think in that case, she too was kind of a natural selection to provide some additional balance to the slate of officers. Have I overlooked anyone there I don't . . .

Q: No, I can't think of any. To get back to your election again for a minute, John. Did you campaign for the position? Did someone come up and say, "I think you ought to be vice president? Let me be your campaign manager." How did your name get there?
A: I'm not quite sure, John, to be perfectly honest. I can tell you that I did not actively solicit any votes. As I recall, this possibility presented itself in less than a day's time. Having seen how the officers above me had taken shape, this kind of market began to develop, the one I mentioned--someone young, someone south, and someone independent. And, when it appeared that I might be the kind of person who could give that kind of balance, one of my friends, Bill Sommerschield, who was a delegate from DuPage County, did kind of pick up the ball for me. I think he sensed that there was a real opportunity for a friend and frankly I think Bill was instrumental in my selection as vice-president. He did solicit votes. He did line up some members from the ranks to make nominating and seconding speeches. And I really credit him, I guess, with my selection as a vice-president.

Q: What were your duties as vice-president?

A: Very limited and very superficial. I really can't say that I enjoyed being the vice-president of the convention. I didn't enjoy working with Sam Witwer. He and I, quite frankly, grew not to like each other very well during the convention. I had little in the way of responsibilities, other than occasionally taking the chair. That was a good experience. I did enjoy that. I came to like handling the chair of the convention, although by conventions' end I was at such odds with the president that we rather mutually agreed that I would not take the chair of the convention floor. But I would say my responsibilities from the outset were few. I think Witwer wanted to be, and was, a strong president. He didn't use his vice-presidents, other than on paper, to suggest we had balance in our ranks.

Oh, I gave maybe more than my share of speeches explaining the work of the convention and kind of pre-promoting the final product as a result of being an officer of the convention. Well, I'm sure I did. I just was lined up throughout the convention with speaking engagements and things of that sort that maybe he couldn't make, or one of the others couldn't make, or that seemed like it was a natural audience for me, maybe a young audience. And I would say I had very little responsibility, no authority, no close working relationship with the president, and obligations only of the sort I mentioned, occasionally presiding and doing more than my share of speech making.

Q: But there should have been responsibilities and authority delegated to each of the vice-presidents?

A: Oh, I believe there should have been. I think the others would probably tell you too, that we certainly didn't have any executive council of any sort within the convention. I think Witwer leaned--I don't think he leaned heavily on anyone, but, to the extent that he leaned on other opinions, I think he leaned on people on his staff. I think he had a few advisors who had his ear and possibly people unknown to me, but I really don't think any of the convention vice-presidents, with perhaps the exception of Elbert Smith. I think Elbert and Sam Witwer were men who could communicate with each other. They were about the same age, same politics about them, and I feel if any of the vice-presidents had any input, so to speak, into the decision making process at the top it would have been Elbert, and I'm not suggesting he had great impact.
Q: From the point of observation at the convention it seemed to be genuinely a one-man show.

A: Yes, I think that's a fair statement.

Q: How were the committees determined? We had the Bill of Rights, Constitution Amending, and Suffrage, Education, Executive, General Government, Judicial, Legislative, Logcal Government, Revenue, Rules and Credentials, Style and Drafting, Public Information. How were these committees determined, that we should have these, and not more, not less, not others?

A: Well, I think this goes right back to the outset, the outside experts, so-to-speak, who advised us on numbers of workable committees we might have. I think we were anticipating eleven articles within the Constitution we were going to draft, breaking down committees to correspond to the articles that we were likely to put together. And, in fact, that's just about the way it turned out. With regard to selection of members, I would say that this was my first clear warning that we were going to have strong one-man rule, almost, within the convention. I think the president put together the committees, having listened to, perhaps, suggestions from the Chicago Democrats on where they wanted their key people spread through the committee system and possibly with some input from Elbert--I can't speak to whether he had any--but I can say that I didn't have any voice in committee selection, naming of individuals to committees--to clarify that. I sensed in a hurry that I was going to be informed of events rather than contribute to events when I got a call from San Witwer advising me that these were his committee appointments and I think it was done shortly before they were announced, with little time for me to react. I did make a few suggestions on names that I thought might more appropriately be cast in different roles within the committee system, but it was too little--well, it was to no avail.

Q: It would seem reasonable that the president and his three vice-presidents would sit down collectively and determine the make-up of the committees.

A: Yes. I would like to have thought that but clearly that didn't happen.

Q: Were the committee chairmen picked autocratically?

A: I think the chairmen were--and here I think Sam Witwer's probably the only guy who could tell you what was on his mind when he chose chairmanships--but I think he chose his chairmen in an effort perhaps to choose people who might put together the kind of document he would like to see created. I'm thinking of the Judicial Article--knowing his bent for appointive rather than elected judges--I think he chose a chairman who had the same feeling about that matter. Oh, I think he made some good choices for committee chairmen. I'd have to give that some thought, on balance, whether we had good chairmen. I think some were clearly unable to organize the committee, and some were clearly unable to handle a committee, but for the most part I think the committees did a respectable job.

Q: I see two names that to me, at any rate, are outstanding. One is the Bill of Rights under Elmer Gertz, and the other is Constitution Amending and Suffrage with Peter Tomei.
A: Yes. These people, perhaps, if we could go back to our conversation earlier, they may have been naturally groomed for those roles. Elmer Gertz being a Bill of Rights figure as an attorney, one who championed many causes in behalf of individual rights, seemed like a natural selection. Yes, I would agree that those are cases where chairmen were clearly qualified for their posts.

Q: The rest of them seemed to be much of the same cut as Mr. Witwer himself. You get Paul Mathias and Bill Faye and John Parkhurst and Wayne Wayland. They follow a pretty close pattern.

A: Yes. I think so. Those men you mentioned—in fact, one of my early complaints in the convention was that all of our committee chairmen were attorneys. I objected to that fact. I think Sam Witwer's idea of a person who was qualified to lead in the convention, whether it be in the capacity of floor spokesman or committee chairman, was someone who had gone to law school, received honors, and gotten his degree.

Q: In the area of these committee chairmen, John, I don't see any—outside of possibly Dave Stahl in public information, a key point—who would be classified as an outstanding Democrat.

A: As I recall that seems to be right, other than the fact that John Karnes, the chairman of the Revenue Committee, was clearly a Democrat—a St. Clair County Democrat capable of showing some independence, and a very likable sort—and for some reason, selected by Witwer to chair the Revenue Committee. But I think your mention of Stahl would make me amend my comment that all committee chairmen were attorneys, because I think Stahl was the only non-attorney committee chairman, and he was chairman of . . . oh, not a crucial committee. He was not chairman of one of what I'll call the substantive committees that actually worked on substantive changes within the constitution. He was instead chairman of the Public Information Committee, and did . . .

Q: Housekeeping-type committee, wasn't it?

A: Right. Right.

Q: As I remember, he was a Chicago policeman.

A: David came to the convention as Deputy Mayor, the key righthand man of Mayor Daley.

Q: That's right. That's right. How large a staff did the convention end up with?

A: Now you're going to embarrass me here. I'm going to guess in the vicinity of probably twenty-five to thirty-five, or forty persons on our staff. Some were with us for the duration of the convention. Some were in and out, so to speak. I felt the staff was a decent one. I think we had some problems at the top, although Joe Pisciotta was, and I hope remains, a friend. I don't think Joe, coming from his background in the classroom, was geared up properly to manage a convention staff, and to administer much of the work for which he had responsibility. I think
that we got some fine research out of our staff, but I really don't feel that we had the strong experience we needed at the top level in making a staff provide a hundred percent, or produce a hundred percent.

Q: Were all of the state universities helpful in supplying you with background information, all the research needed?

A: Yes, just right off the top of my head, and I would say that the University of Illinois and the University of Chicago probably contributed more to us in the way of ideas and personnel than perhaps the other universities. Southern Illinois University, I might add, contributed beyond its proportion to the educational system, but I think most of the initiative and most of the direction came from the University of Illinois, where they have an Institute of Government and Public Affairs. And we did pick a few people off the University of Chicago staff. Well, the Council to the Bill of Rights committee, being one example, was a faculty member at the University of Chicago. I think for the most part we did secure pretty decent services.

Q: Did you also use the Illinois Legislative Reference Bureau and the Legislative Council?

A: No. I don't think we had any working relationship with either of those organizations.

Q: John, the 116 delegates elected throughout the state were a wide and varied group of personalities. Who were some of the dominant personalities in the convention, as far as input to the document, and then who were some of the dominant personalities just on the floor?

A: Yes, fine. I think that's a good way to phrase that. In other words, I think what you're asking on the one hand is who were some of the delegates that had some impact on the final document, or some input to it, versus who were some of the dominant personalities by virtue of just being colorful characters.

Q: Right.

A: I guess in that later column several names come to mind, people who were colorful characters who probably were interesting news copy to the many reporters who followed the convention, both newspaper and radio/TV. I think someone like Father Lawlor, for instance, out of the southwest side of Chicago was a colorful character. I don't think he had a lot of impact on the final document. I think some of the names I mentioned earlier were colorful figures: Tom Kelleghan, Dwight Fredrich, John Knuppel. They're real gad-flies, the kinds of persons who are going to get their two-cents in on nearly any question of any content that came before the convention, people who had a lot to say but I really don't think they had a lot of impact on the final document. Maybe I should say that perhaps Knuppel had some impact because of his sheer energy. In addition to being very colorful, he's a very likeable guy. I got along well with John. And I think he's an example of a person who was both colorful and did have [an] impact, because again, the amazing amount of energy the man had and his ability to read all the material and make not
only some cogent and colorful remarks, but occasionally a very pertinent point in the way of an amendment. So I guess there would be some who would qualify as both colorful and those who provided some impact on the document. I'm sure I'm overlooking some people in the way of being colorful characters.

In the way of impact on the document I don't think the Constitution is really stamped with the names of any one or few persons in the way of being able to boil it down and say it was really their document, but I believe probably the committee chairmen had impact beyond proportion to their numbers. I think some of the political leaders within the convention—for instance, Thomas Lyons of Chicago was the leader, acknowledged leader, of the Chicago Democrats in the convention ranks. I think Tom's impression is on the Constitution. The Republicans in the convention really never got organized. There were efforts, but unsuccessful ones, to organize a group of Republicans and I really can't say that anyone, any Republican, had near the impact that a partisan figure like Tom Lyons had on the document. Some of the independents banded together and their numbers would vary from five to ten votes perhaps, and in crucial situations maybe they made a difference. But I don't really think there was a leader among that few number of independents, either. I think it's a very difficult question to say who had impact. And actually, the president of the convention had impact, especially on the judicial article and, I suppose, the amending article. He took special interest in those subjects and was an active proponent of appointive judges. And [he] had a lot to do with putting that alternative before the voters, the alternative being ultimately rejected. But I think the president, the committee chairmen, and political leaders like Tom Lyons were probably men who had impact beyond their simple numbers.

Q: In the make-up of the convention was there any representative of either the extreme left or the extreme right wings, organizations that we have around?

A: Among the delegates?

Q: Yes.

A: With this kind of impact on the final document?

Q: Well, no, ones that you could say that a delegate was either a John Bircher or an extreme leftist.

A: I would say that Tom Kelleghan, a right-wing Republican from DuPage County, and a likeable sort of guy—nonetheless, if you put us all on a spectrum, left to right, I think Tom would probably have been the closest thing to an extremist in the convention, and he was an extremist to the right.

Q: Were there any delegates who appeared to have as their major reason for being there that of being obstructionists?

A: It seemed on many an occasion that the major purpose of some was to obstruct any and all attempts at change. But I don't think it would be
fair to say that any person in the convention, Tom Kellegher included, was against everything. I think there was enough documentary evidence to show that everyone was for—there were occasions when we were all positive minded. I really don't think it would be fair to say that anyone in the convention ranks was an obstructionist on each and every occasion, although I think there probably were a dozen members, I would estimate, who probably tended to be against anything that wavered from the language in the 1870 Constitution.

Q: Was there any breakdown in choosing up sides, as it were, between Chicago and downstate, or did they try to keep the document as a statewide document?

A: Well, ideally we would liked to have thought it could have been a document for all Illinois. I think we know the realities of Illinois politics suggest that there are going to be some problems between Chicago and downstate, or Cook County and downstate. Or I prefer to see the difference along the lines of metropolitan Chicago and downstate. I think the Chicago Democrats were loyal to Mayor Daley, and their spokesman in the convention on most occasions was Tom Lyons, although he deferred to other members—Tom McCacken and other experts within their particular domains—as spokesmen on occasion. Other than the Chicago Democrats, a much smaller group, but probably the only thing nearly as closely knit would be the group of Chicago Independents who beat that same machine and who had that experience in common. We're not talking about many delegates here. I'd have to review my membership roster but I suppose we're talking about a half a dozen or so members who were liberal independents who defeated the Daley machine and did act in unison on several occasions. And I think, as I probably mentioned, the efforts to organize the Republican-oriented delegates was a flop.

Q: Is this because of the lack of leadership or just lack of understanding discipline?

A: I think it's almost the nature of Republican politics in Illinois. There doesn't seem to be any dominant person to whom Republicans are responsible and by whom they can be disciplined. There's no counterpart to Mayor Daley, for instance. And although many were Ogilvie sympathizers—delegates that Governor Ogilvie probably had much influence over—I think Republicans almost by nature of their party organization in the state were much more loosely knit. Although they did try to organize in the convention, they never got the job done. There were people like Charlie Shuman that tried and tried to get Republicans together and hope that a clear dominant leader might develop from the ranks, but no such person emerged. And consequently there was no Republican organization to speak of.

Q: The convention was highlighted or Headlined as—quote—"nonpartisan." How much did practical party politics play in the convention? Were there strong political pressures from either side ever brought into being?

A: That's a good question. And I think in hindsight the only thing nonpartisan about the convention was the ballot on which the delegates got elected. Beyond that we were Republicans, we were Democrats, we were
partisan Independents, or we were loose Republicans or loose Democrats. And outside forces had much to do with convention politics. I think we were all aware on occasion of Republican Governor Ogilvie's interest in certain matters like judicial selection; Mayor Daley's interest in greater home-rule for the city of Chicago; retention of the elective system for selecting judges. Other such matters became quite partisan and there were partisan caucuses--Democratic caucuses being more successful than Republican as I mentioned--but I would say the convention was anything but nonpartisan in its operation.

Q: Did all of the guest speakers who came in--as I remember every current office holder and many past office holders came in to address the convention from time to time. Were these strictly courtesy addresses or were they instructive addresses? What purpose did they serve?

A: I think in hindsight they were basically formalities and courtesies extended to then current office holders and prominent office holders out of the past, their chance to speak their piece to a convention which many of them had urged the state [to] have over the years. I don't know. In retrospect, what I remember about being on the convention floor at the time--the governor was speaking, or the Secretary of State, or a United States Senator, or a former governor--is very little.

And I don't really believe that there was much substantive impact on the convention from any drafts by a major outside figure. I think those that may have had some impact probably attended committee sessions. I know some of the major office holders were content not only to accept our invitation to speak for the convention as a whole, but did take an interest and did appear before the committees. And I imagine that their voice at that level in the convention may have been more direct and more functional than was their mere formal appearance before the convention as a whole.

Q: Were there very many that accepted invitations before the committees?

A: Yes. I remember--although I didn't work closely with the legislative and the executive committees--I know that they did hear from many legislative leaders. I believe that former Governor Stratton spent some time with the executive committee. Other former executive officers spent some time with that committee and I believe that if those people had impact, it was at that level.

Q: What about the lobbyists and the various pressure special interest groups? Were they quite active with the delegates during the convention?

A: I think it was almost a replay of the legislative session. I worked in the 1967 General Assembly, and many of the lobbyists I got to know then--not only personally but their styles and their interests--I saw those same things during the Constitutional Convention. Many of the same faces, the same styles, the same interests simply transferred from a legislative operation to a constitutional operation. I believe that there was very little difference in their approaches to normal Illinois legislative politics versus a rare constitutional convention. We were approached in much the same manner as I suppose the legislators were approached or are approached. We were wined and dined on occasion. We
were treated to some good solid information by some of the solid lobbying organizations in the state. And I would like to think that the convention was probably a more honorable assembly of people than is a normal Illinois Legislative delegation. I don't know of any instances where any lobbyists, for instance, were ever accused of trying to buy votes in the Constitutional Convention. Nor did I ever hear any rumors to the effect that any delegate votes were for sale. So maybe to that extent, rumorwise anyway, I think we were a different breed of cat, from a legislative session. But the organizations represented were the same ones that appear before the General Assembly. Their same people were there on many of the same issues. In effect they were attempting to get their special interest into the constitution, put it on a higher plateau, constitutionalize their special interest. Rather than fight some of those same battles year after year in the legislature, this for of than was a golden opportunity to lock their special favors right into the fundamental framework of Illinois government.

Q: Do you think any of them were successful in that goal.

A: Oh, I don't have any doubt. I think the people who followed the activities of the lobbyists at the Constitutional Convention--I know one fellow wrote a doctorate on this subject, Dale Burman. He took his doctorate at the University of Illinois and I'm sure that people like Dale could show you on many a page in our Constitution language which stemmed directly from some of the important lobbyists. I think the Chamber of Commerce, I think the Farm Bureau, to a lesser extent perhaps the Labor Movement in the State--but in the Revenue Article in particular I think if a person wanted to dissect that, he could find all kinds of evidence of the work and the language of outside organizations.

Q: Did the special interest groups perform any good functions for the delegates that might not be available through the normal governmental channels? Were they able to supply you with any information on areas that you couldn't get elsewhere?

A: Yes. Without being specific, I would suggest that on many an occasion they did give us good solid information that was very much appreciated. I don't mean to suggest that we were working with a dishonorable group of lobbyists, because I feel that for the most part they were honorable persons and provided solid information. I think they served a legitimate role in the convention and, for the most part, I think their actions were expected.

Q: From your experience with the General Assembly and the Convention, would it be easier or more difficult to operate, if the lobbyists were not there?

A: Well in terms of agony I suppose it would be easier to operate without their presence. What was that question?

Q: The operation of the convention or General Assembly without the lobbyists being there.
A: Well I like to think that they played a constructive role in the convention and maybe this might be a chance for me to suggest to you, and through you to others, that I feel that the convention was pretty much operated as a super legislature. We were very comparable in size and in style—and questions dealt with—to the Illinois Legislature. And I suppose, wrapped into that whole picture, working with the same lobbyists, the same questions, the same setting. We started off meeting in the Illinois House of Representatives chamber. Many of the same persons who led the General Assembly also led the convention. An amazing number of delegates had been representatives in the Illinois General Assembly, or very much aspired to become members of the Illinois General Assembly. And a good number used the convention as a stepping stone to seeking seats in the Illinois Legislature. So I guess what I'm trying to suggest in the way of the legislature and Con-Con and interest groups is that they, as far as I was concerned, were pretty much one and the same in style. We were dealt with by the lobbyists in much the same way that they deal with the legislature—pretty much the same atmosphere with pretty much the same questions.

Q: Early in the life of the convention various committees went around the state holding public hearings. What were the reactions on these? Was this a good way of getting the delegates exposed to public policy, or was it a showcase?

A: Yes. I think some of both. I think to many maybe it was our roadshow, so to speak. I recall sitting in on the public sessions we held at Marion—or, check that—Carbondale and Alton in particular. I spent time at both those places and it seemed to me—and from what I’ve picked up from others who were at the other sessions—it seemed to me that there was some honest input from the Illinois public. I don't know that it had any impact really. I think it was a good opportunity for some of the delegates, especially from the North, to get out and see what the rest of the state looked like, to get down to Carbondale, or down to Alton. I've often had the feeling that with nearly two-thirds of the delegates coming from the Chicago metropolitan area—what they know about downstate Illinois is what they see below them when they fly down from Chicago, or outside the window when they come down on the train or in their car. And I felt, for them in particular, this was a good opportunity to get out and see some of the rest of the state and meet some people who honestly sprang forth with some good input. But I think all told it may have been more of a roadshow than anything else. I think it was a good effort on our part and if we were to do it over again I would recommend that we, if anything, expand on that. Unfortunately a lot of this goes back to your question of lobbyists—a lot of the lobbyists in the state know where we [were] going to be and simply had their local representatives tell us the same thing that they were telling us in Springfield. For instance, even an organization like the League of Women Voters was at every hearing place we had throughout the state saying pretty much the same thing. So I think you would almost have to go back and find out who testified at each of the outlying hearing sites and almost separate the local spokesmen for state organizations from the honest John Does who came forward out of the ranks of the community and told the convention what was on their minds.
Q: Were there many of the honest John Does that came forth?

A: Yes. I don't think even half of the spokesmen I heard at the two places that I mentioned were the honest John Does, but some of the ones who were I think spoke from their heart. They said things that some of the people didn't want to hear. I distinctly recall down in Alton that one fellow told the convention that we'd be shirking our duties if we didn't somehow figure out how to divide the state in half. And I think that's the kind of thing that you would only hear in Alton, or the Altons of the state. I mean that's the kind of thing that's on the mind of John Doe and that was the kind of thing you're not going to hear in Springfield, or Chicago for that matter.

Q: Were the meetings well attended?

A: Yes. I don't recall any standing room only crowds or great overflows, but on the other hand no embarrassing turnouts either. I think for the most part they were pretty well attended.

Q: They were also scheduled in all parts of the state to make it easy for anyone that wanted to get there, there was a meeting somewhere close?

A: Right. I think we covered the state fairly well.

Q: What was the reaction? What do you think the reaction was of the people to these meetings? Did they take them as something that they could really do something about or did they have the feeling, "Well, your mind's made up before you ever get here"?

A: Well, I hope they got the feeling that our minds weren't made up because for the most part delegates didn't take a very active role. I think we were basically listeners at these outposts of the state. And we didn't go with the intention to try to convert the audience to our particular philosophies or theories of Constitution-making, nor did we try to persuade them that our method of selecting judges was better than the one they were proposing. And I'm not suggesting that we didn't participate, because we did. But I kind of have the hunch that those who did attend the meetings probably felt like they were involved in a pretty honest situation, which I think it was.

Q: Was there any dominate theme that came out of these meetings? For instance, was [there] a great concern of the public on the matter of taxation, or the matter of representation? Was there something—one thing in particular that seemed to be of greater interest than the others?

A: I can't say that the convention was left with the impression that when we took the convention to the people, so to speak, one or even a few clear-cut themes came back to us. I think depending on where we went there may have been a clear-cut theme or two. I think some of the delegates from Chicago, for instance—when we were in southern Illinois, deep southern Illinois—were surprised at the extent of the interest there in the Right to Bear Arms question in the Constitution. That being an example, I don't know that there was a wide-spread concern in the state for what we were going to do with that particular language in the
Constitution, but I think for the most part the issues varied with the communities and there wasn't any clear-cut input from the—what I'll call the roadshow.

Q: Once this portion was over and you returned to Springfield for more formal hearings and deeper work, was there much interest on the part of the public? Did they attend committee hearings? Or did they just sit back and let you go pretty much on your own?

A: I think more of the latter than the former. Although there was never a day when we didn't have a good number of guests in the balcony. We were a popular target for the school groups. And the interested citizen groups like [the] League of Women Voters and other groups that were in Springfield to catch the legislature also caught us. I don't know [we were] first or second, not that that makes any difference. But I think we were in a natural setting-place, the old State Capitol Building, where there were many tourists anyway, that probably many just stumbled onto us. And there was never a day when we felt like we had the hall to ourselves, or the committee rooms to ourselves, although I guess I would say that there were many days when the committee rooms were our own—our own meaning the delegates, the staff, and the lobbyists who followed the events of that particular committee . . .

Q: When the convention moved from the Capitol Building House of Representatives into the old State House chamber was there any feeling of difference, of going back into this old historic room? Was there any change in attitude or anything of that sort?

A: Well, I almost wish there had been, but I really don't think that there was. I think the convention was really more typical of the first setting, the current House of Representatives chamber, than it was of our second setting. In our second setting we were in the building where Lincoln gave the House divided speech and where previous conventions had met, and where there was rich history in not only Illinois but national politics. But I think the convention was probably more typical in operation and in style to the House of Representatives chamber where we began our short history.

Q: Was there any connection in any way on national questions as far as the Constitution was concerned?

A: Not enough as far as I was concerned. Maybe one incident that might shed some light on this question, as you may recall, was the convention's cancellation of an appearance by John Gardner who at the time was heading up a citizens lobby in organizing Common Cause, as it was known. Mr. Gardner wanted to take advantage of our invitation to talk about national and state and local problems and just reform in general. He was recognized as a leading reformer of that period. When convention president Witwer discovered upon receiving Mr. Gardner's text that Mr. Gardner was going to say some bad things about the Vietnam war and was going to be critical of the Nixon administration and was going to speak to issues other than those which Mr. Witwer felt were strictly local and state concerns, Mr. Gardner was cancelled out with the approval of a great bulk of delegates in the convention. I think maybe that is an extreme case, but nonetheless sheds some light on the true feeling in the convention that we were
basically an Illinois operation. I think we were mindful of what other states were doing that had had conventions about the same time. I think that probably the only national impact on our operation was maybe the other state constitutions that had been drafted about that time. The provisions of these constitutions. But I think for the most part we were a rather parochial operation. I don't think we were very mindful of the current national mood to open up and make government more responsive to streamline institutions. I think we pretty much missed the boat.

Q: During this time, throughout Illinois there were a lot of demonstrations of various kinds going on. Were there ever any organized demonstrations staged for or against points of the Constitution?

A: Much to my surprise there weren't. I might be overlooking a minor demonstration that someone recalls as a major one, but I really don't believe that there was any particular outpouring of people for a particular cause, or reason, or plank, or any such thing that sticks in my memory. And again, I was kind of surprised and maybe a little disappointed. I think there were issues that should have brought out good numbers of persons. For instance, I thought that perhaps lowering the voting age to 18 might bring out droves of young adults over a particular weekend when we might get the strong vibration that there was widespread support for lowering the voting age. But on issues like that and others I don't think we saw people express themselves by numbers.

Q: As I recall, one of the major areas of difficulty or discussion, some heated arguments, was the drafting of the so-called Bill of Rights. What was so difficult about the Bill of Rights?

A: Well, many things I suppose. There was some sentiment that said we shouldn't change the Bill of Rights. We already have a good one; let's not tamper with it. There were others who said, "Let's take a good Bill of Rights and improve on it." (phone rings) Yes. On the Bill of Rights, John, I think maybe I would preface just a short remark by saying that the individuals involved in making reports from that committee were some of the colorful characters I was talking about earlier. And I think they probably provoked much of the controversy. The Kellehans, and the Lawlors, and others right-of-center were on that committee. And there were delegates to the left-of-center like Al Raby, a Civil Rights leader from Chicago, although Al was certainly anything but a controversial character. He was of a different mind, was a different sort of person from the Father Lawlor, the Tom Kelleghan, and I think there was much natural conflict built into the committee and consequently built into the committee's report. The variety of subjects on which they reported—for instance, abortion as I recall, was one of the topics that the convention debated and [it] became rather emotional and controversial. And the Right to Life, or the right to select the number of persons in your family depending on how you looked at the question, was just one example of the many kinds of controversial topics that this committee brought to the convention floor. I think in the end it turned out to be a pretty decent Bill of Rights and I think we started with a pretty decent Bill of Rights. But again, it was an area of much controversy. It was an area that consumed much of the convention's time and as I recall, was one of the earlier reports brought to the convention floor.
Q: Were the Bill of Rights really worth the amount of time, the amount of work and the details that they consumed?

A: I'm not convinced that they were, for this reason. It seems to me that the federal Bill of Rights is the basic guarantee to every state, and every citizen in the United States. And the only thing that a state Bill of Rights can do is expand on the freedoms afforded by the federal Bill of Rights. In many cases we did that, but whether we did that to an extent necessary to justify all the time and attention that was poured onto that topic, I don't know. I guess the question makes me think and suggest to you that perhaps we may have spent too much time in an area where we were already pretty well protected by a better Constitution, the Federal Constitution.

Q: Were there any major areas of the Constitution that were discussed and studied, and finally, for one reason or another, dropped or bypassed because of controversy or things of that nature?

A: Yes. I think there were items that were--this was a common argument against any item to which any member objected--naturally, he would say this is maybe the one controversial item that if included in the package will sink the boat. I think when the convention bought that line of logic and felt that any item was indeed controversial enough that it might jeopardize passage of the proposed Constitution, it was earmarked for separate submission to the voters. And indeed, there were four questions separately submitted to the people because the convention as a whole felt that had these items been included in the main package, they may have been so controversial and so emotional, or [would] generate so much emotion and so much controversy, that they could have sunk the ship. How to select members of the legislature, judges, voting age, and the death penalty were earmarked for separate consideration because they were deemed controversial items were they included in the main package. I felt that the revenue article deserved separate consideration by the voters, that there were items in it which were just as controversial and just as much in need of separate attention as was, say, the case of how to select members of the legislature, or how to select judges.

Q: Were there any considerations that didn't even make it that far that you think could have improved or changed the intent of the Constitution?

A: Any hot potatoes, so to speak, that were dropped . . .

Q: Right, and weren't even included on the separate package?

A: . . . Yes, I'm sure if I went back and reviewed the member proposals, probably any number would qualify as the kind of item that was simply too hot for inclusion in a package that was a rather moderate package. I think we didn't really present the voters with a much different document from that which they already had in their hands, namely the 1870 Constitution. And items that many deemed controversial, I think [we] would have been wise to put before the voters in the main package, or as separate questions. But nonetheless, not to stray from your question, I think there were many so-called hot questions that didn't get to first base, so to speak, because the mood of the convention was one of tampering with the 1870
Constitution in a small way and including very few controversial measures other than perhaps the ones I suggested. The Revenue Article, I felt, was controversial and needed separate standing before the voters but didn't get it.

Q: When you finally got all of your committee reports, how did the actual writing of the Constitution proceed?

A: I thought we handled this very well with the assistance of some people who had experience at piecing together a document after floor approval. This work was handled essentially by our committee on Style and Drafting. That committee had the good fortune to have on its staff a gentleman who had done this same kind of work at the New York Constitutional Convention, plus good staff of our own. And this committee's charge was to coordinate the efforts of the various committees to make stylistic and drafting proposals for floor consideration. And basically, their job—and I think they did it well—was to put together the final document for final consideration.

Q: This was actually done in a relatively short span of time, wasn't it?

A: Yes. Convention-wise things, as is the case in most large deliberative bodies, were postponed until the last minute. The usual legislative logjam took shape in the Constitutional Convention. And many of the more controversial items, and many of the more substantive articles of the Constitution—for instance, local government, revenue—came before the convention at its eleventh hour, even for the first time, and consequently, we nearly burned ourselves out toward the end working long and hard hours. But for reasons that we didn't begin early enough. This is a typical problem in Illinois legislatures too. [They] meet nine months, and they meet one day a week the first month, and two days a week the second and third months, and then slowly they're meeting three days a week, and then four, and then five, and six, and then seven. And we followed that precedent to a tee.

Q: Didn't you also get to the point where the convention was going to be without pay . . .

A: Yes . . .

Q: . . . you had come to the end of your days or money or something?

A: Right. Our life was indirectly limited by the number of pay days provided us by the state legislature in the enabling act that allowed for the convention's operation. We were allowed only so many pay days and you're right, we finished our work at about the same time the money ran out. (laughs)

Q: Good timing. (laughs)

A: Right.

Q: This is a wide, wide question. I know it's too wide but I really can't—without getting right down to a specific, which I don't want to do. What were the difficulties that arose during the proceedings?
A: On the subject of the convention as a whole, what were its major difficulties as I see it?

Q: Yes. Yes.

A: I think first and foremost, we never came to grips with the question of our mission. It seemed to me that our mission was one of providing the Illinois voters with a chance to improve on a document that could easily be improved on, namely the 1870 Constitution, which was no good. Not for reasons that it was old, but for reasons that it was lengthy; it was complicated; it was difficult for the average Illinois citizen to read and grasp and comprehend; it builds so many inequities into the system. The old question of cumulative voting, I think, is a major constitutional problem that this convention didn't deal with, that has much to do with what's wrong with Illinois politics as far as I'm concerned. But I think the major difficulty of the convention was the unresolved question of its mission. What was our job at the convention. Some felt we were there to bring the 19th century document into the 20th [century] by merely changing 1870 to 1970, and by changing some 19th century language to 20th century language without changing substance. I think in the end we gave the Illinois voters a warmed-over version of the old Constitution, with a few successful efforts at writing 20th century law and elevating it to 20th century constitutional status. For instance, the Revenue Article was pretty much late 1960 Illinois tax law brought right into the State Constitution. And other than that--and perhaps the question of home rule for cities--the Constitution was pretty much a cosmetic/make-over of the old Constitution. We eliminated some obsolete language. We reduced the number of words. But we didn't really come to grips with the major problems of Illinois government, I mean as I think most people in the State saw them and still see them today: an unwieldy number of legislators, cumulative voting, a fragmented executive branch of government, a judiciary that seems far removed from the Illinois public and, perhaps too, unresponsive, a judiciary that's too political in nature. I think these kinds of questions . . .

End of Tape

A: I think I was saying that the major weakness of the convention was the convention's weak knees, so to speak, our inability to deal with the hard questions--not our inability, but our unwillingness to deal with the hard questions. And not so much perhaps, a weakness of the convention, but a disappointment, a let down to not only those in the ranks who wanted to give the voters a chance to ratify a new, a truly new, Constitution, but also a let down to the voters themselves who felt that the 20th century constitutional convention might produce a 20th century document, instead of the warmed over version of the old one that I talked about.

Q: Based on that, John, do you think that another Constitutional convention will be forth coming in a few years?

A: I really don't know. I have a feeling that another one might not perform much differently from the way we performed. I think that there
are a good number of lessons to be learned from our operation for those who really seek honest change. I think anything that could be done in the way of restructuring the convention along non-super legislature lines, citizens groups that might promote the candidacies of those who maybe weren't so deeply involved in Illinois politics at the time of the call. I would like to think that a more liberal allowance of non-lawyers might make some difference in the convention numbers too. Approximately half of the delegates to the 1970 Constitutional Convention were attorneys. I think that shines though in several places, not only the language and style, but in the disproportionate amount of time we gave to the question of how to select judges. Naturally this is a favorite debating point for attorneys, most of whom aspire to be judges.

Q: Have to find a happy home someplace.

A: Right. (laughs) So I guess what I'm saying is that I really don't know if another Constitutional Convention is around the corner. History-wise, if it is, and if lessons weren't learned from this one, I'm not sure that the next one would be much different.

Q: Could one reason that this convention did not come to grips with a number of major points, and did in fact present a warmed-over Constitution, be because there were so many in the convention that were using it as a political springboard, and moderation gains more votes than extremism in either direction?

A: I think that's probably a fair statement. I can't tell you exactly how many attempted to use the 1970 Constitutional convention to spring into statewide office or legislative spots. And a good number used that office to seek legislative jobs. While we were in the convention, some sought and won a legislative office. Many others postponed their effort at legislative politics until 1972 and probably some have postponed that even further. But, yes, I really feel that you're dealing with political beings and political beings are people who are keeping one eye on the future all the time. I think every action in some cases was based on how many votes might this get me in 1970, or in 1972 when I make my big step for the legislature.

Q: John, what was the vote on the final document as far as approval was concerned, do you remember those figures?

A: John, much to my dismay--and I stand to be corrected--but I think what I say will prove correct. There was not a vote within the convention among the delegates on the final document, per se. Now I assume that's what you mean and not the people's vote on the package.

Q: Right. Right.

A: I took the position in the waning hours of the convention that the delegates as a group owed it to themselves, and to the people who selected them, to take an official position on the final document. And that that question should be put to the group of 116 delegates, and that each should have voted yes or no on the final package. But the fact of the matter is that the convention chose not to approve or disapprove the final package,
the assumption being that since the convention had approved at various
times the parts of the package the assumption was that it had at the same
time, and in so doing, approved the final package. I made a futile
effort to secure a vote on the final document. And I'll be perfectly
frank, I feel that the effort to secure a vote was headed off by the
president and key advisors to him who felt uncomfortable about how that
vote might turn out. Specifically what I'm saying is, I don't think they
knew at the time near the end of the convention, nor did the Chicago
Democrats know, whether they were for it or against it. They hadn't
received the word from the top, from the man yet, and I don't think in
that circumstance the president of the convention wished any final vote
because he didn't want to force the hand of the Chicago Democrats who
didn't know yet whether they were for it or against it.

Q: Along that line, John, do you know was there any close conversations
or conferences between Mayor Daley and Sam Witwer?

A: No, I don't. By this point in time I was pretty much an outsider in
the process, and whether those two men got together or not, I'm not the
one to say. I imagine that contacts were made. The group that promoted
the call of the convention had contacts with the mayor's office. Pretty
much the same group promoted passage of the final document, the same
citizens committee, and they did have contacts with Mayor Daley and his
key aides, and I would assume that there were contacts made. And I would
imagine that the Chicago Democrats in the convention, like Tom Lyons and
Dave Stahl and others who were leaders, probably had the mayor's office
and provided the input that helped the mayor make his decision on the final
product.

Q: The ceremony, I guess that's the right word, that was held in the Old
State Capitol building of the signing then, was a meaningless affair in
one sense of the word other than to certify that the document was, in
effect, the same thing that had been passed in a sectionalized form?

A: Right. It was strictly a ceremonial occasion and I think it was
misunderstood by many in the Illinois public. It was clearly understood
by the delegates that any signature on the final document merely attested
to the fact that you had been a participant and a delegate to the convention.
Although I had by this time announced, for instance, that I would oppose
the final product, I did sign the final document indicating that I had
been a delegate and that indicated no more than that. But later I was
disturbed to learn that some misunderstood this and thought that anyone
who signed the final document was also approving the Constitution, and I
thought that was rather an act of hypocrisy on my part and perhaps the
part of others who signed it. But you're right, the final ceremony was
simply a ceremony.

Q: Wasn't there one delegate who did refuse to sign it?

A: As I recall, there may have been one or two who chose not to sign,
and I think maybe for the reason that they didn't want the possibility
[of] misinterpretation that their name on the document would indicate
their having approved it. I think in hindsight that's probably what I
should have done too, because it probably was misconstrued by, especially,
the Chicago press. Editorially, they were after me once during the campaign for having signed the document and then working against passage and I think they knew better. They knew that signatures merely indicated attendance at the convention.

Q: Why did you feel that the final document was not a proper Constitution?

A: I felt in the end it was a matter of weighing the 1870 Constitution versus the 1970 proposed Constitution. And in my mind, [while] the proposed Constitution, and now the new Constitution, represented improvement to a small extent in limited areas over the 1870 document, on the whole I felt it was no better and consequently, I felt it was worse than the 1870 Constitution. I felt that its passage would prohibit the kinds of meaningful changes in the Constitutional framework of this State that I would like to see worked in the near future. And I think, to simplify an answer to a difficult question, I feel the final document was really void of any significant institutional change. The legislative, executive, and judicial branches in the new Constitution look 99.9 percent like the legislative, executive, and judicial branches in the old Constitution. I felt the Revenue Article in the new Constitution was more restrictive than was the Revenue Article as interpreted by the courts—in the 1870 document. And I think in the end, the 1970 Constitution will have the effect of providing what I would call the illusion of Constitutional well-being, and the illusion of change, when in reality the 1970 new document is the 1870 document in disguise.

Q: Is it disguised well enough, or is it—do you think the 1970 Constitution could last a hundred years as the 1870 one did?

A: I'd like to think it won't, but I think it's conceivable that it might. I guess I would have to answer with a footnote to the previous question that I'm led to wonder in hindsight now whether there is any what I'll call constituency for Constitutional change in Illinois. I really wonder whether the people are concerned enough and care enough to see the document changed in a meaningful fashion. I kind of sense that if we couldn't work meaningful change in 1970 we probably won't be able to work it for some time to come. And I for one don't place much faith in the likelihood of another Constitution Convention doing a much better job anytime in the near future.

Q: When you went out from the convention to work against it, what form did your work take?

A: I worked strictly as an individual. I accepted speaking engagements throughout the State and appeared oftentimes on radio and TV in the major media centers, namely Chicago and St. Louis. And I literally dropped everything to take my case to the people. I spent full-time between the end of the convention and the December referendum telling the people that I thought it was not worthy of their ratification.

Q: What kind of reception and reaction did you receive?

A: I think for the most part good. And I really believe that had there been others who were telling the same story to more audiences and that,
had our work been coordinated, perhaps the document could have been
defeated. But in the end I think the opponents of the proposed Constitution
opposed it for different reasons. There was little potential for them to
get together. There were no strong leaders or organizations that attempted
to put together a loose coalition of opponents. And the momentum was
there in a short campaign--just two to three months--for the proponents,
who were better organized, to carry the day as they did in December.

Q: Did the proponents attempt in any way to block you in your opposition?

A: No. I can't say that I was discouraged by the Committee for the New
Constitution. I was advised against playing an active role in opposition
by some of my delegate friends from the convention who thought it was
against good political judgment on my part to speak against a document
that I had helped shape in some small way, I suppose. But there was no
direct confrontation, other than direct confrontations with many of their
speakers in debates around the state. I debated President Witwer, and
other delegate friends, and proponents of the package throughout the
State. On occasion I was on the other side of the table from these
people.

Q: Did these [debates] ever become heated or did they stay on a fairly
decent plane?

A: I would say on a few occasions they took on a little emotion and
generated a little heat. I can't say that the people were really stirred
[or that] we really captured the imagination of the Illinois public with
the campaign, pro or con. I think any analysis of the turnout at the
December referendum would show that it was another ho-hum election for
most Illinois voters. Probably less than half bothered to turn out. And
I imagine if one looked at the number of yes votes and the number of no
votes in terms of the percentage of registered voters at the time, it
would be kind of a rude awakening to the idea that people were neither in
large numbers very much for or very much against the Constitution or much
cared what we had done.

Q: What about the media: radio, television, the press--were they cooperative?
Did you have any difficulty getting your point across through the media?

A: No. I think the media, for the most part, was pretty fair with the
exception of the Field newspapers in Chicago. I felt the Sun-Times and
Daily News, in particular, were slanted very much editorially and operationally
in favor of the new Constitution. I don't think they provided an audience
for the opponents, except perhaps opponents to some of the special side
issues that were presented. I think they did go through the motions of
being fair by letting someone editorialize against--pro and con--the
death penalty, or the voting age, or legislative, or judicial issues that
were before the people. But the Sun-Times and Daily News, in particular,
were partial in their coverage, I believe, of the new document. They
were emotionally committed to the idea of a new Constitution. And I
don't think [they] were about to be fair with the opponents of something
they had so long editorialized in behalf of. On the other hand, I felt
the Tribune was fair. I felt that for the most part, the radio and TV
stations in the State were impartial, and were willing to give time to
both proponents and opponents—but of course, I suppose the equal time provisions under which they operate had much to do with their idea of fairness.

Q: Did the public react, or at least those that you did get to, was their reaction, "So what," or did they really listen to find out what the situation was with the document?

A: I think the people who had been groomed to believe . . . the people who had created a climate for a Constitutional Convention and were willing to give the convention the benefit of a doubt followed it through to its end. I saw many of the same people on post-convention tours that I had seen [on] pre-convention tours and during the convention. I think we had built up an audience, limited though it was, of persons who were interested in analyzing for themselves the final document and hearing speakers analyze it for their benefit. But again, I don't feel that there was any great outpouring of citizens to the many meetings that were held around the state, although I do believe that everyone heard something about Con Con, couldn't have missed it through the newspapers, the radio and TV. I think everyone was aware of the fact that they had a chance to vote on a so-called new Constitution. How much the average Illinoian knew about the new Constitution vis a vis the old Constitution in December 1970, though, I'm really not prepared to say.

Q: Did any, either past or present at that time, state officers, state officialdom, take any position against the document?

A: I don't recall much active involvement from state officials for or against the new document. I know on the surface many were for it; Governor Ogilvie at the time was for the document. How actively he and others may have been for the document, though, I really don't profess to know. I can't recall any of the elected officials at that time--the incumbents--working against the document. I know that some, like Paul Simon, took the time to carefully analyze it and counted the number of pluses and minuses and indicated to the people that they felt on the whole it was worthy of ratification, but pointed out that it had many shortcomings. But I don't know of anyone, nor did I work with any of the state officials, who may have been against it, past or present.

Q: The Constitution has been in effect now for what--two years?

A: Yes. Two years.

Q: The implementation has certainly been slow. Did you expect that this implementation would be as slow as it has been?

A: No. I think most of the delegates at the convention felt that the matters left for legislative implementation would take on high priority in the next legislative session and would be dealt with rather promptly. But as you pointed out some two years now beyond the starting time, the legislature has still yet to resolve most of the major issues left for their implementation in the creation of a State Board of Education, the State Election Board, and other items of that magnitude that really haven't won their attention. I think the legislature tends to get involved
in minor and emotional matters at the expense of some pretty weighty questions like this.

Q: Is there any way that the legislature could be forced into implementing...

A: Well, you probably need to ask a good constitutional lawyer this question. But as I recall, many of the arguments during the convention against leaving things to legislative implementation were arguments along that line, that there's really no way you can force the legislature to legislate, there's no way you can enforce in some occasions the Governor, and the executive branch, to administer other than perhaps taking such a matter to the courts. But I feel in hindsight the convention, had it known that the legislature was going to drag its heels on creation of a State Board of Education, for instance, probably would have been more specific rather than vague as it was, as to number of members, how they are selected, so forth and so on. I think in hindsight the convention would have clearly spelled out these matters.

Q: Since the convention adjourned [and] the Constitution was adopted, have you had much or any contact with any of the other members of the convention?

A: Oh, not to any significant extent. A few who were close friends before the convention remain close friends, but I can't say that I have a lot of communication with people I met during the convention. I suppose, quite frankly, that I'm a little bit of a black sheep, having opposed what most favored. I think at Con Con, like in any large institution, there's a sense of what I guess we call institutional loyalty among people who were part of an institution, and those who are supposedly less than loyal to the institution and call a wart a wart, or don't support the end product of the institution, normally are kind of--well, like I say, the black sheep of the lot. And I suppose in many eyes I was and forever will remain in that standing with them. But I'm not bothered by this. I guess that answers your question.

Q: At the time, did you ever get the feeling that you, because of your views, were isolate, or castagnated, or treated less than you should have been?

A: Yes. I had that feeling very late in the convention. Well, I had not made my final position known to the delegates until very late in the convention. I didn't really decide that I was going to work against what we had put together until the eleventh hour and I had seen the document and what was nearly its final form and had a chance to analyze it. So I suppose that, because mine was a late decision to work against the majority sentiment in the convention, I really didn't feel like I was an outcast individual at the convention. No, I got along well with the great majority of delegates throughout the convention.

Q: The public did pass the convention by the required amount. Do you think that it was indicative really of any overall feeling statewide? As you've said, less than half of the people eligible bothered to express themselves.
A: Well, I really don't see how anyone could--proponent or opponent--receive much gratification from what happened at the polls on that day. I think the proponents probably wished there had been a greater turnout. And although among those who did turnout and vote, the package received nearly fifty-seven [percent] of the vote, I think it was hardly a mandate. It was hardly an overwhelming approval of the document and many of the counties in the state, many areas in the state, were quite negative. I don't think the Constitution won the acceptance of the bulk of the state like many of the proponents would have wished. It carried heavily in the Cook County area and lost heavily in many areas downstate. For instance, in the area I'm most familiar with--in not only the small counties in the central part of the state, but in the large counties like Madison and St. Clair--the proposed Constitution took a terrific whapping at the polls. And I don't think the proponents could be happy about the small turnout and the terrific beating the document took in some major areas of the state. Nor on the other hand was I very pleased, nor were the opponents pleased, by the fact that the majority who did turn out and vote voted for it, and those who may have made the difference stayed home. I just feel that everyone was probably disappointed by the total turnout and that neither side, proponent or opponent, could have been very happy on that night.

Q: Do you think there could have been the feeling that, well, we've had this convention going on for eight or nine months, we've spent a lot of money, we've tied up a lot of time, we ought to get something for our money, so let's vote for it?

A: I think there was probably a significant portion of the voters who felt like they had a lot invested in the convention in the way of time they had used to follow our work. I think they probably felt in some cases as you point out, that we had attempted to put together a better package; they were probably going to give it the benefit of the doubt. They never did have much respect for or attraction to the old Constitution, so why not approve a modified version of the old document as compared to the old document. Perhaps that was the thinking of many voters.

Q: The new document does have the one provision, doesn't it, that it is at least easier to amend than the 1870 was?

A: Yes. And I feel that this is probably one of the few strong points. It is more easily amendable than the old Constitution, although I often liked to point out in debates with proponents that the old Constitution was not unamendable either, that it had been amended on many an occasion and it too had built in the possibility of change. But on the whole I feel like that was a plus about the new document, its amending article.

Q: The intent has been discussed a great deal. What did the convention intend this article to do? What did they intend this section to cover? One that is of interest particularly to me is what did the convention intend for our lieutenant governor to do?

A: (laughs) It's strange that you ask because I've been giving that matter some thought recently and I really wonder in hindsight whether we needed a lieutenant governor. It seems to me that here again we bowed to
the past and continued into the present and future an office without much responsibility. In fact, one with no responsibility. We stripped it of what little responsibility it had. Under the old document, he presided over the senate and could cast a tie-breaking vote, but in the new document he has very little ranking. He supposedly was going to run as the governor's righthand man and stand ready to succeed to that office if the occasion presented itself. And oddly enough, in the first opportunity after the new Constitution was passed it seems to me that the lieutenant governor and the governor, although of the same party and supposedly running as a team, probably are more at odds than governors and lieutenant governors in the past. It's really strange because I think much of the feeling for running the two as a team came as a result of a Republican governor and a Democratic lieutenant governor being elected by the voters in the election prior to the convention. And as a matter of fact, those two people got along fairly well. And in the election following the convention when we teamed them together we elected a Democrat and a Democrat and these two men seem in many ways to be incompatible. So I'm really not sure that we accomplished anything in that regard.

Q: I think it was rather interesting to note that when we had known for quite awhile that the lieutenant governor would not have anything to do with the senate, henceforth, but until the--until Neil Hartigan was actually sworn in as the lieutenant governor under these provisions, no condition had been made to provide him with office space. All of a sudden we had a lieutenant governor, a president of the senate. The president moved into the lieutenant governor's office and the lieutenant governor's [office moved] out in the hallway for a short while.

A: Yes, he's really a man without a role. His role is dependent on his working relationship with the governor, and like I say, I really feel in hindsight we didn't need the office and that the other elected officials, secretary of state, attorney general, could have been next in succession to the governor. I really feel that it's a useless, wasted office and the single function that I can see that the officer performs is speaking to some of the many service groups in the state and probably telling them what's going on in Springfield as he sees it. He's an appendix in the document really.

Q: Actually, in effect, he could never bother to even come into the building and still be on the payroll.

A: Right.

Q: The other major change in the office holders was that the superintendent of public instruction was taken away from direct election by the people and is to be an appointed position. Did the convention--was their intent primarily to remove politics from the office, and is this a way of getting politics out of the office?

A: Well I don't think anyone at the convention was so naive as to believe that you could ever remove politics from education. But I think for the most part, much of the rationale for changing this from the elected position to a position under the jurisdiction of a State Education Board, whether it be elected or appointed, was to further remove and perhaps
insulate the post from politics. But I don't think anyone believed at the time nor would ever accept the notion that you can ever separate politics and education. They're very much intertwined and I know of no one who's been a follower of politics nor involved in it who really believes that it's possible to separate them entirely. Although I think this was another case where it was an idea whose time had come. I think most people felt that we ought to do something to see if we could upgrade the state educational system and its educational officers.

Q: Having worked in the superintendent's office for the past two years, I'm a little aware of the confusion that that article has created. What was the intent, or was there an intent actually on the part of the convention for the state board? Is it to be an elected or is it to be an appointed--and did you think of who would do the appointing?

A: We tossed this around in both committee and on the floor [and] could come to no conclusion, and in effect threw that hot potato at the legislature. We said we can't decide. See if you can. And we charged them with the responsibility of structuring the State Board of Education. I think our only instruction was that members be selected--the appointment or election--with some regional consideration involved. I could never handle the question. I'm not sure that the delegates could. And consequently, I'm not surprised I guess, that the legislature is having such a difficult time with it. I really wonder whether we can elect people to a state board, but then again I don't place a lot of faith in the appointive method either. I think people have a feeling that they don't really control state government and certainly, appointments are more likely to give them this feeling of low political control over their institution. So I--for the most part at the convention I leaned in favor of non-partisan selection of officers as much as possible, whether they be judges or members of state board. I tried to keep the question directly in the hands of the people, but like to think that people shouldn't get elected to judgeships or to [the] State Board of Education simply because they are Republicans or Democrats, but because they are qualified and had ideas that they had sold to the voters without regard to the advantage of a party label on a ballot. But the convention's records, its transactions, its transcripts are available and I'm sure they've been mulled over on many an occasion by legislative committees and I'm quite confident they haven't found any clear intent on our part in that matter.

Q: What would happen if we would go up to January of 1975 without having had a board appointed--Bakalis's term is over--what happens then?

A: Sounds like it has the makings of our first Constitutional crisis. I'm not sure what the outcome of such a situation would be. I would hope that the legislature would take its mandate more seriously and structure a new board before such a crisis developed, but I'm not sure they'll get the job done. At least they've had more time than we did. We were operating under a timetable of sorts and were dealing with that among many major issues, where they've had the advantage of two, two and a half or three years to toss the question around. But I imagine that defenders of the legislative institution would say that they too are faced with a lot of other important and controversial matters and this is just one of many. I'd like to think that's not going to happen, but it seems like it becomes a less remote possibility every day.
Q: Of course the convention met prior to the election, but did the membership, did the delegates, ever consider the fact that the last elected official, the last elected superintendent, would be desirous of being the first appointed superintendent?

End of Side One, Tape Two

A: I think that was a distinct possibility in the minds of most at the convention, that perhaps the incumbent might have the best standing among the voters, and perhaps among the board members to retain that position. But as it's developed, I'm not sure that is in fact the way it will work out. But I really believe that most felt that he might be in an opportune situation to become the first appointed, as well as the last elected, official in that position.

Q: Wouldn't that be rather difficult to go from a partisan elective position to a, quote, "non-partisan appointive position," and actually get any kind of even theoretical non-partisanship into the office?

A: Again, we get back on the question of partisanship in the office and I feel that the new board, whether it be appointed or elected, is likely, given the mood of the Illinois public and given the way the legislature is likely to construct or structure selection of members to the board, and knowing that the governor rewards for the most part members of his own party and punishes members of the other with his appointments, that the new board is going to be partisan. And whether it would rise to the occasion and select a man on his merits, I'm not sure.

Q: Another difficulty has arisen in this in that both houses of the legislature are controlled by one party, the governor is of another party and is even having a greater difficulty with the General Assembly than you normally have under those conditions. The General Assembly could end up with the appointive powers, both the board and/or the superintendent, couldn't they?

A: Yes. And I think that's probably likely. They've assumed appointive powers in other areas where the Constitution has left that question to them. For instance, members of special district governments at the local level where once those officials were appointed by the judiciary, [they] are now appointed by the legislative branch. So they've certainly established a precedent for assuming greater appointive powers themselves. I don't think the people at the convention really thought that the legislature would take on this responsibility. And I think had they know that the legislature might assume such broad appointive powers as it appears likely, that other provisions might have been made.

Q: This is probably an unfair question. If the convention, instead of being dismissed had simply gone into recess and would come back into meeting now, do you think that the 1970 document would again be passed as it is?
A: Oh, with some minor changes. I think we may have filled in the blanks a little bit on the manner of creating and selecting a state board. Some of the things we left to legislative implementation might have been dealt with by another convention called on the heels [of the] 1970 convention, but I really don't think that we would have altered the basic structure of government in another session any more than we altered it during the regular session.

Q: What I mean is, with what is happened to the document in these two years--with the slow implementation by the legislature, with the assumption of appointive powers by the legislative branch, with the major boards not yet being established--do you think that the document--on those basic points--do you think the document would have been altered measurably if it were being rewritten or approved today?

A: Yes. I think in those and possibly other areas we would have left less to the legislature and, call it what you will, but we probably would have done more legislating in the Constitution than we did in those areas.

Q: Wasn't there the charge at the time that you were busy trying to legislate rather than deal with matters of Constitutional importance?

A: Yes. This was often a criticism from outside and from within the convention. I don't think we ever clearly resolved what was a proper Constitutional question and what was a proper legislative question. I think many of us used that argument depending on whether we were for or against the provision about which we were talking. If we were for it, it was a proper Constitutional question, and if we were against it, it was clearly a legislative question and improper for Constitutional convention consideration. But it's very interesting and as an academic and even a practical question, it's one of the best ones. Where do you draw the line on Constitutional versus legislative items.

Q: How has being a delegate to the Constitutional convention changed your life? Or has it? Has it added anything, subtracted, created any problems?

A: Well, it's only been an addition. I may have developed a few gray hairs before thirty as a result of the convention and many of its pressures, but it was a very rewarding experience in the space of a year and half to two years time. Having been involved in the call of the convention and then the referendum, in some manner or other, I learned much about politics, much about people . . . mostly it's been an interesting experience, personally, from the point of view that it's taught me to think much about how change is accomplished. Having been involved in a process, the change of which was I felt to develop meaningful change and then to be frustrated and disappointed at the inability of an institution to work those changes. I think from an individual point of view I've benefited most by continuing to ask myself how change is achieved and how you set the mood for change and who are the beneficiaries of change and who are the beneficiaries of the status quo. And I think I'm still developing, as an individual, a clearer understanding of what we did and what we didn't do and why we did some things and why we didn't do other things. I suppose some of the detail of the convention becomes cloudier with the
passage of each day, but the convention as an event becomes clearer in perspective everyday too, as an individual. And I've enjoyed that. With the passage of time I better understand the convention, I better understand Illinois politics, I better understand people. And it's provided me with a lot of food for thought and raised questions that I'm sure I'm going to try to resolve in print some day. It's been a good experience as an individual coming out of an academic community because it--well, it was a culmination of much of my interest for years prior to the convention, and it's provided, in addition to those good experiences I've mentioned, it's provided a lot of interesting observations about people and it's made me keep the matter on my mind. It's made me retain an interest in Illinois politics, politics in general, and just change in general. I know that's a longwinded response to that question.

Q: I wonder . . . you may have had at one time some political ambitions and, as you've said, one time you were ready to run for something and the constitutional convention was the most logical. There have been several elections held since that time--John Alexander has not been on the ballot--did Con Con cure you of political aspirations or are you resting for a future date?

A: Mostly the former. I think the convention gave me the experience in elective office that I was curious about. Frankly, there was very much I didn't enjoy about what I'll call deliberative body politics. Playing the game was not much fun in many respects. I never had the feeling that we as individuals really had much impact on the document. I felt we were oftentimes the tools and puppets for outside forces within the state. I would say that I lost the greatest part of my appetite for elective office as a result of the convention. Many used the convention as a springboard to office at the next opportunity. I chose not to run for the legislature in this district, although it was an ideal set-up. I had toured the area and knew the people and in hindsight, I believe I could have been elected to the state senate had I chosen to be a candidate. But I did not opt to become part of a deliberative body of that size and of that importance. I really don't feel that the legislature is a very important institution. And I would say that on the whole I lost the appetite that I had for elective office. I've retained an interest in public affairs. I've stayed on the school board. I've stayed active in local matters, but I don't have any ambitions beyond the local level. Of course, I'm only thirty-one and at some point in the future maybe this is subject to change. The convention gave all of the delegates a good audience and good name recognition and provided the immediate opportunity to seek district or even statewide office, and I opted against that because I clearly had, for the most part, a bad taste about elective politics, and especially deliberative body politics. I think the idea of going on to the legislature was a very unattractive idea as far as I was concerned.

Q: Okay, thank you very much, John.

End of Side Two, Tape Two